

**Regular Meeting**  
**Monday, February 2, 2015**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1 **CALL TO ORDER - 7:00 PM** Mayor Winstead called the meeting to order at 7:00 p.m.  
  
Present: Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson, D. Lowman, and J. Oleson.
- 2 **INTRODUCTORY** Mayor Winstead introduced Jamie Verbrugge, Bloomington's new City Manager. He announced the City Council will be meeting in a closed session at the conclusion of this meeting to receive a security briefing.
- 2.1 **FLAG PRESENTATION** None.
- 3 **CONSENT BUSINESS** None.
- 3.1 **Encroachment Agreement Conditional Approval Public Easements; 3350 East 80-1/2 Street** Requested Action: Acknowledge conditional approval for encroachment into public easements located at 3350 East 80-1/2 Street (Lot 1, Block 1, BLOOMINGTON CENTRAL STATION 4TH ADDITION) with the attached Agreement for Conditional Approval for Encroachment into Public Easements.  
  
Motion was made by Baloga, seconded by Abrams, and all voting aye, to acknowledge the conditional approval for the encroachment into public easements as described above.
- 3.2 **2015 Legislative Policy Approve** Requested Action: Adopt the City's 2015 Legislative Policy.  
  
This item was held by Baloga who requested an "A" priority be added to the Policy for the East Bush Lake Road entrance to westbound I-494, as the alternative is the intersection of 84<sup>th</sup> & Normandale Boulevard, which will result in a lower Level of Service at that intersection when more construction occurs at Normandale Lakes. He reported one of Bloomington's House representatives plans to carry this bill.  
  
Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Legislative Policy with the additional Priority A requested by Baloga.
- 3.3 **2016-201 Geotechnical Services Approve Funding** Requested Action: Approve funding for geotechnical services as part of the 2016-201 Normandale Boulevard (CSAH 34) Reconstruction Project for the not-to-exceed amount of \$90,000.  
  
This item was held by Oleson who asked about the 4130 Account and why this amount was not included in the original budget.

Shelly Pederson, City Engineer explained the \$90,000 is for borings and soil work and is included in the overall budget for this contract.

Motion was made by Oleson, seconded by Baloga, and all voting aye, to approve the funding associated with Project 2016-201 as described above.

**3.4 2015 PMP Overlay Streets Acknowledgment of Modifications**

Requested Action: Acknowledge receipt of the updated list of streets to be included in the 2015-102 Pavement Management Program Overlay project.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to acknowledge receipt of the list of streets to be overlaid in Project 2015-102 as listed in the agenda materials.

**3.5 Support of Cooperative Agreement with the City of Edina for Mn Drive Project Adopt Resolution**

Requested Action: Adopt a resolution approving a Cooperative Agreement with the City of Edina for the Minnesota Drive Street Maintenance Project, part of the 2015-102 PMP Street Maintenance Project.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution approving the Agreement as described above.  
(R-2015-14)

**3.6 Support for Federal Lands Access Program Project Application – Old Cedar Avenue Adopt Resolution**

Requested Action: Adopt a Resolution of Support for the proposed Federal Lands Access Program Project application for a portion of reconstruction of Old Cedar Avenue and a new off-road multi-modal trail along the corridor.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution as stated above. (R-2015-15)

**3.7 Motorola Communications System Agreement**

Requested Action: Approve the Motorola Solutions, Inc. Communications Systems Agreement through Minnesota State Contract #46956.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Agreement as stated above.

**3.8 Formation of Solid Waste Organized Collection Options Committee (OCOC)**

Requested Action: Adopt a resolution approving formation of an Organized Collection Options Committee (OCOC) and the selection of its members.

Karl Keel, Public Works Director explained the OCOC will start meeting while negotiations continue with the haulers. At some point, the OCOC could make a recommendation to the City Council for acceptance of the haulers' proposal. He reported progress continues to be made with the haulers.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to appoint Mayor Winstead and Councilmembers Baloga and Lowman to the OCOC along with staff members Karl Keel and Jim Gates, Deputy Director of Public Works. (R-2015-16)

**3.9 2015 - 2019 Local Public Health (LPH) Agreement with MN Department of Health (MDH)**

Requested Action: Approve the 2015 – 2019 Local Public Health (LPH) Agreement with the Minnesota Department of Health (MDH).

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Agreement as stated above.

**3.10 BCS Phase 2B (City Project 2013-305) Resolution to Approve Plans and Specs**

Requested Action: Adopt a resolution approving the plans and specifications for City Project 2013-305 Bloomington Central Station (BCS) Phase 2B (Residential) Infrastructure Improvement Project.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution approving the plans and specifications for City Project 2013-305 as described in the agenda materials. (R-2015-17)

**3.11 Approve Amendment to Site Lease Agreement – T-Mobile on Valley View Water Tower**

Requested Action: Approve an amendment to the Site Lease Agreement T-Mobile has on the Valley View Water Tower.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the amendment as stated above.

**4 PUBLIC COMMENT PERIOD**

The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda.

Speaker #1: Sally Ness, 8127 Oakland Avenue South  
She asked Council not to sign the Joint Use Agreement (JUA) with the Al Farooq Youth & Family Center (AFYFC) at 8201 Park Avenue South until their property becomes Code compliant. She referenced comments made at previous study meetings. She showed the public notice the neighbors received when the project went forward and said all of the public comments had to do with the parking. She said the building was constructed for 200 walking students and had 48 parking spaces. Today the school has 151 parking spaces with an additional 49 Proof of Parking spaces. She said a traffic analysis on the use of the property should have been done prior to AFYFC receiving their Conditional Use Permit (CUP). She presented photos of cars and trucks parking in rows 3-4 deep at 8201 Park Avenue and of semi-trucks parked in the street during their worship services. She said trucks are not supposed be parked on the streets. She said vehicles are parking in the Smith Park parking lot throughout the night. She recalled the time when the parking lot lights were not working at Smith Park but AFYFC users still parked there. She said comparisons of AFYFC to other places of assembly should have been presented during the Planning and City Council process; not after the CUP had been approved.

Speaker #2: Vi Rozek, 8214 Park Avenue South  
She said since January 1, 2015, the AFYFC and Smith Park parking lots have been filled Friday through Sunday. She reported in addition to the kids at the school, AFYFC is running the Islamic University of MN out of their building on Sundays from 4-9 p.m. and asked how this is allowed to happen. She asked why Police don't patrol traffic on Sundays between 8:30 a.m. – 9 p.m. She took a video on her cell phone yesterday of the headlights shining into her home that she intends to provide to the Council. She said the neighbors on Park Avenue are tired of the headlights shining into their homes. She asked the Council not to approve the JUA because AFYFC has abused this neighborhood and the City. She said the City needs to address the current overuse and non-compliant use of the AFYFC building.

Speaker #3: William Rickert, 4732 Nine Mile Creek Parkway  
He asked why there is no citizen representation on the newly formed OCOC.

Winstead replied the OCOC was created per a State process to determine the next steps but citizen representation on the committee isn't required. The next steps could produce a plan on which public hearings will be held.

**5 LICENSING DIVISION:  
PUBLIC HEARINGS****5.1 New Therapeutic  
Massage Enterprise  
License; Frank  
Herrmann; 9301 Penn  
Ave. S**

Requested Action: Approve the Therapeutic Massage Enterprise license for Frank Herrmann, doing business as Frank Herrmann.

Motion was made by Busse, seconded by Oleson, and all voting aye, to approve the license as described above.

**5.2 Special Event On-Sale  
Intoxicating Liquor  
License – Volunteers  
Enlisted to Assist  
People (VEAP)**

Requested Action: Approve the Special Event On-Sale Intoxicating Liquor license for Volunteers Enlisted to Assist People (VEAP).

Motion was made by Baloga, seconded by Carlson, and all voting aye, to approve the license as described above.

**5.3 Special Event On-Sale  
Intoxicating Liquor  
License – Minnesota  
Youth Symphony**

Requested Action: Approve the Special Event On-Sale Intoxicating Liquor license for Minnesota Youth Symphony.

Motion was made by Abrams, seconded by Oleson, and all voting aye, to approve the license as described above.

**5.4 Special Event On-Sale  
Intoxicating Liquor  
License – Nativity of  
Mary Catholic School**

Requested Action: Approve the Special Event On-Sale Intoxicating Liquor license for Nativity of Mary Catholic School.

Motion was made by Carlson, seconded by Baloga, and all voting aye, to approve the license as described above.

**5.5 Approval of Interim  
Management  
Agreement – Crowne  
Plaza Hotel**

Requested Action: Approve the Interim Management Agreement between TB Bloomington LLC and Myron Wayne Kaeding, doing business as Crowne Plaza Hotel.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Agreement as described above.

**6 DEVELOPMENT  
BUSINESS: PUBLIC  
HEARINGS****6.1 Jennifer Development  
Company, Inc. 10701  
Hampshire Ave. Appeal**

Requested Action: Provide direction on the applicant's proposed revisions to the agreements and continue the item to February 23, 2015.

Shelly Pederson, City Engineer presented the staff report on this item, which was continued from the January 26, 2015, Council meeting. She reported the applicant extended the agency action deadline to February 24, 2015, to allow staff more time to work with them regarding the sidewalk along Hampshire Avenue and the bituminous trail along West Old Shakopee Road. The City desires a 10-foot wide trail and the applicant proposes an 8-foot wide trail. It's been discussed the applicant to pay for 8/10 of the trail and the City to pay the remaining 2/10 resulting in approximately \$13,000-\$14,000. Staff recommended this item be continued to February 23.

Motion was made by Baloga, seconded by Oleson, and all voting aye, to continue this item to the February 23, 2015, Regular Council meeting.

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| 7    | <b>TRANSPORTATION &amp; UTILITY IMPROVEMENTS: PUBLIC HEARINGS</b> | None.   |
| 8    | <b>ORDINANCES: PUBLIC HEARINGS</b>                                | None.   |
| 9    | <b>OTHER: PUBLIC HEARINGS</b>                                     | None.   |
| 10   | <b>ORGANIZATIONAL BUSINESS</b>                                    | None.   |
| 10.1 | <b>Parks, Art, and Recreation Commission Appointments</b>         | <p><u>Requested Action:</u> Consider one appointment to an adult position on Parks, Arts &amp; Recreation Commission (PARC) expiring on December 31, 2017.</p> <p>Council previously made an appointment to this commission at its January 26, 2015, Regular Council meeting but that applicant declined the appointment due to a scheduling conflict. Because some applicants noted during last Saturday's interview process they might be interested in serving on more than one commission, Council directed staff to contact all of the applicants who applied for a commission in 2015 to determine if they'd be interested in serving on the PARC. This could result in a second appointment for someone, which is allowed. It should provide a larger pool of candidates from which the Council can choose for this one PARC appointment.</p> <p>Staff to contact all nominated applicants to date to determine who is interested in serving on the PARC. This appointment to be made at the February 23<sup>rd</sup> Regular Council meeting.</p> |
| 10.2 | <b>Housing And Redevelopment Authority Appointments</b>           | <p><u>Requested Action:</u> Appoint one applicant to an unexpired term on the Housing &amp; Redevelopment (HRA) expiring December 31, 2015.</p> <p>Council members were asked to vote for one (1) applicant each:</p> <p><u>1<sup>st</sup> Round of Voting Results:</u><br/> Coulter: (Lowman, Oleson, Carlson)<br/> Furlong: (Abrams and Winstead)<br/> Ahmed: (Busse)<br/> Tellers: (Baloga)</p> <p><u>2<sup>nd</sup> Round of Voting Results:</u><br/> Coulter: (Lowman, Oleson, Carlson, Baloga)<br/> Furlong: (Abrams, Busse, Winstead)</p> <p><u>Motion was made by Lowman, seconded by Abrams, and all voting aye, to appoint Coulter to an unexpired term on the HRA expiring December 31, 2015.</u></p>  |
| 10.3 | <b>Human Rights Commission Appointments</b>                       | <p><u>Requested Action:</u> Appoint four applicants to the Human Rights Commission (HRC) to terms expiring December 31, 2016.</p> <p>Council members were asked to vote for four applicants each:</p>   |

Voting Results:

Kietzman: (Lowman, Oleson, Carlson, Baloga, Abrams, Busse, Winstead)

McClellan: (Lowman, Oleson, Carlson, Baloga, Abrams, Busse, Winstead)

Leese: (Carlson, Baloga, Abrams, Busse, Winstead)

Burns: (Lowman, Baloga, Abrams, Busse)

Sommer: (Lowman, Oleson, Carlson)

Coulter: (Oleson, Winstead)

Motion was made by Baloga, seconded by Abrams, and all voting aye, to appoint Burns, Kietzman, Leese, and McClellan to two-year terms on the HRC expiring December 31, 2016.

**11 ADJOURN**

The Mayor adjourned the meeting at 7:44 p.m.

Barbara Clawson  
*Council Secretary*